

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-3, 5-9, 12 and 13 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Response to Arguments

The Examiner has included a response to Applicants previous arguments purportedly explaining why the previously filed Declaration is still not considered persuasive. The Examiner indicates that the greater the amount of non-water absorbing agent added to a product, the less water absorbent capacity the product will have. While this would certainly be true if one were to replace part of the absorbent product with a non-absorbing agent, Applicant is instead discussing the amount of water absorbing capacity per unit weight of the superabsorbent material. Thus, this is not a situation where part of the absorbing agent is being replaced by a non-absorbing agent, but rather where for a given weight of absorbing agent the capacity of that unit weight is affected. Accordingly, Applicants submit that this argument of the Examiner does not apply. In order to further make this clear, Applicants have added the phrase "per unit weight" to each of the independent claims.

The Examiner further indicates that the Paul reference teaches a water absorption capacity within the range described in dependent claim 4. Dependent claim 4 describes the water absorption as 30 g/g. The method for measuring this absorption capacity is

described on page 5 of the specification and is also mentioned in the previously filed Declaration. This value means that 30 grams of water is absorbed by one gram of superabsorbent polymer. However, the Examiner apparently is referring to the teaching in Paul on column 24, lines 57-62 that the total absorbent capacity is 300 grams of liquid. Obviously, the total amount of water which is held regardless of the amount of material is a completely different property from the amount that is held per unit weight. Applicants have located no other teaching in the Paul reference of the amount of water held per unit weight. Accordingly, Applicants submit that the Examiner's statement that the claimed range of water absorption capacity is found in the Paul reference is incorrect. Further, even if the range of this capacity would be found in the reference, this does not mean that the skin care agent does not reduce its performance. It would be possible that the Paul reference utilizes a superabsorbent polymer with an even greater original capacity which is then further reduced by the skin care agent. Accordingly, even if the range were the same, this does not mean that the skin care agent does not affect the water absorption capacity of the polymer.

Rejections Under 35 U.S.C. § 102

Claims 1-7, 9, 12 and 13 stand rejected under 35 U.S.C. § 102 as being anticipated by Paul et al. (U.S. Patent No. 6,217,890). This rejection is respectfully traversed.

The Examiner states that Paul discloses an absorbent article with a liquid permeable top layer 22, a liquid impermeable leak proof layer 20, and an absorbent layer containing a superabsorbent polymer. The Examiner states that Paul further shows an agent having a

skin care effect that is activated on contact with moisture. The Examiner states that it is reasonable to assume that the skin care agent does not cause a substantial reduction in water absorbing performance because the superabsorbant polymer has a water absorption within the claimed range as mentioned at column 24, lines 57-62.

Applicants submit that the Paul et al. reference does not show the present claimed invention. As discussed above, Applicants have now amended each of the independent claims to make it clear that the water absorption being claimed is per unit weight of superabsorbent polymer. Since Paul et al. only discusses the total absorbent capacity of the product, rather than the capacity per unit weight, it is not at all clear that Paul discloses the claimed range. Furthermore, as discussed above, even if the amount were the same, this does not mean that the skin care agent does not affect the capacity.

Applicants have also previously submitted a Declaration which makes it clear that the skin care agent in Paul et al. does have a reduction in water absorbing performance per unit weight. In view of this, Applicants submit that it is not possible for the Paul et al. reference to anticipate the invention as presently claimed.

Concerning the present claims, Applicants note that independent claims 1, 5, 12 and 13 all include the description of the agent as not causing a substantial reduction in water absorbing performance per unit weight. Accordingly, Applicants submit that each of these independent claims is allowable over the Paul et al. reference.

Further, claim 1 has been amended to include the limitations previously found in claim 4. Accordingly, claim 1 further now includes the limitation that the polymer has a water absorption of 30g/g or more in terms of physiological saline absorption measured

after centrifugal dewatering. Since this feature is also not seen in the reference, Applicants submit that claim 1 further defines thereover.

Furthermore, claims 2, 3 and 6-9 are dependent claims which depend from claims 1 and 5. Applicants submit that these claims are allowable based on their dependency from these allowable independent claims. Furthermore, each of these claims also recites other features which are additionally allowable.

Rejection Under 35 U.S.C. § 103

Claim 8 stands rejected under 35 U.S.C. § 103 as being obvious over Paul et al. in view of Yanaki et al. (U.S. Patent No. 5,538,728). This rejection is respectfully traversed.

The Examiner cites the Yanaki et al. reference to show the use of polysaccharide used as a thickener. However, even if this reference does teach this feature, Applicants submit that this claim is allowable based on its dependency from allowable claim 5. Accordingly, this rejection is also overcome.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No.

27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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